

May 5, 2003

California State Parks  
Northern Service Center  
P.O. Box 942896  
Sacramento, CA 94296-0001

RECEIVED

MAY 07 2003

NORTHERN SERVICE  
CENTER

ATTN: Ellen Wagner

Dear Ms. Wagner,

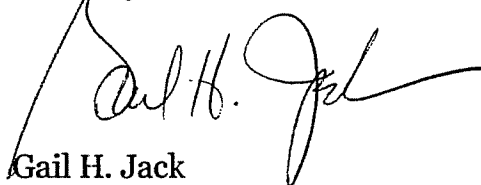
I am concerned about the DEIR for the Preliminary General Plan for The Forest of Nisene Marks State Park (FNMSP). Thank you for the opportunity to hear my comments on this very important plan.

Despite voiced concerns during the recent public hearings regarding the need to protect natural resources and honor the intent of the Marks' family deed, State Parks' commitment to both have diminished. State Parks initially proposed alternatives that offered considerable protection to natural resources. Now, State Parks is proposing a policy that would offer a reduced level of protection to resources in favor of intense recreational use. I am especially opposed to allowing bike riders and horses access to large areas of the Park. I have seen what they have done in Henry Cowell --- gouges in the trails, runoff, and a lot of fecal matter from the horses where people are hiking. It definitely detracts from the natural experience for the hiker. 66

Please increase protections of important native habitats in FNMSP by doing a comprehensive biological resource inventory of the park to determine which areas deserve increase protections and meet criteria for special designations such as natural preserve. 67

The Forest of Nisene Marks State Park is a beautiful area that is convenient for many people in Santa Cruz and Monterey counties. With increasing population, rising park use, and pressures from user groups to expand park uses, State Parks needs to make planning and management decisions that are consistent with the intent of the Marks deed and are based on sound scientific methods.

Sincerely,



Gail H. Jack

# ADVOCATES FOR NISENE MARKS STATE PARK

Dear Ellie,

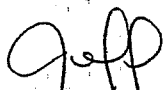
As we discussed during your visit, the Board of the Advocates for Nisene Marks (the 501C3 support group for Nisene Marks), representing our 125 members, has gone on record in full support of this plan. We appreciate the vision and hard work State Parks personnel, especially Dave Vincent and Ralph Fairfield, have put into this plan. From our view, it will serve Nisene Marks well for many years to come.

Here are a couple of comments:

- 1) Under existing conditions (map Figure 2 page 4), there should be the notation of an interpretive panel at the Porter House site. 68
- 2) On this same map, it seems to combine existing conditions with some desired conditions. For example, it indicates potable water at the Reed picnic area where there currently is none. For the future, this is good to have, but doesn't exist now. 69
- 3) Again, same map, having "potential acquisitions" icon but no actual acquisitions identified is confusing. Also relates to the future, not existing conditions 70
- 4) For map, alternative B page 217, we would like there to be the option for potable water at the Sand Point Trail Camp. 71

That's it! We really appreciate your hard work as well.

Best regards,



Jeff Hicks  
President  
Advocates for Nisene Marks

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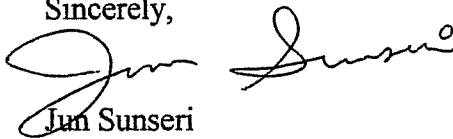
NORTHERN SERVICE  
CENTER

May 5<sup>th</sup>, 2003

To Whom It May Concern:

As a veteran volunteer in parks, trail worker, and mountain biker of 12 years, I would like to endorse the position of mountain bike advocacy groups (such as the Mountain Bikers of Santa Cruz, or MBOSC) for the adoption of alternative C (or at least B) of the Preliminary General Plan for the Forest of Nisene Marks. The existing infrastructure of the park, with proper management and dedicated input, in both education and labor, of volunteer trail workers could support an expansion of access to both narrow trails and staging areas for mountain bike users. Regularly scheduled trailwork days, such as those sponsored by the Mountain Bikers of Santa Cruz) have made positive impacts in Wilder Ranch State Park and multi-user education and outreach (such as horse/biker "Carrot Days") have brought user groups together. Similarly, the restoration and redesign of ecologically weaker sections of trail (such as West Ridge) by volunteer labor, as well as community-driven education and outreach programs can support closer ties between diverse groups of park users. I hope that the State Parks will take this opportunity to allow enthusiastic and environmentally-conscientious groups such as MBOSC to contribute to the development and maintenance of a more integrated community of park users.

Sincerely,

  
Jun Sunseri

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735-A Cathedral Drive  
Aptos, California 95003  
May 3, 2003

MAY 07 2003

NORTHERN SERVICE  
CENTER

Ellen Wagner  
P.O. Box 942896  
Sacramento, California 94296

Dear Ms. Wagner,

I am very concerned about the EIR for Nisene Marks State Park. I have lived next door to the park for most of my life, and am very aware of the changes over the years. I have the impression that State budget constraints have resulted in an EIR based on very limited information. The writers seem to have had time to only visit a few areas, and seem to assume that what can be seen from certain sections of Aptos Creek Road represents the entire park. Large areas of the park remain incompletely described or even omitted.

That soil types and slope have not been taken into account is clear in the writers' repeated assumption that multi-use trails would be environmentally acceptable. They are not acceptable. Trails already have been severely eroded by bicycle and horse traffic, and in many places are very difficult and even hazardous to walk on. The writers do not seem to have seen the state of the trails in the lower park, including the Mangels Ranch area, nor to have had time to investigate soil types and accurately measure slope. I do not like to think that the people who are in charge of seeing to it that the natural environment is protected, and the trails kept in good condition, would be caving in to political pressure from cyclist groups, allowing and condoning further destruction of trails, danger to walkers and wildlife, and damage to ecosystems.

There are biologically sensitive areas throughout the park. A sweeping statement that an entire half or third of the park should be used any given way shows a lack of attention to the park's diversity. Decisions as to which trails could safely be declared multi-use should be based on the already existing evidence of the effects of horses and bicycles on each individual trail. Areas with trails having steep sections, switchbacks, and long inclines,

such as the West Ridge Trail, Mangels Ranch trail, and the trail down from Vienna Woods, should be declared low-intensity, low-use areas -- no bikes, no horses. Areas that include sensitive or unusual ecosystems, and areas with friable soils, should also be low intensity use.

Declaring the upper area of the park a wilderness area would not be a good idea. It is very important that emergency vehicles and patrolling rangers be able to reach all areas of the park. Improvement and a few additions to the fire road system would both increase park safety and provide graded, gravelled roads for bicylists. An entrance from the Oliver Springs Road side of the park, with a small parking area, and signs (which are currently lacking on that side), would relieve the overuse of the Aptos side of the park. Additional rangers patrolling the park would help curtail some of the current abuses.

I am aware that many bicyclists and horse riders who use the park have no idea of the damage they're doing. They're not looking behind them at the ground. I've even heard cyclists in hearings declare that walkers cause more erosion than bikes, which is nonsense. Recently I was walking the trails at Monte Toyon Camp, taking a message to a park employee. I walked all the trails on the Monte Toyon side of the hill. Something was strange...strange and pleasant... the trails were not rutted! No ditches! The only bumps were roots, not bike tracks and horse-hoof-holes! I could just walk and enjoy the woods, and not have to pick my way carefully around countless damaged spots the way I do in Nisene Marks. I realized how long it's been since I walked on trails that were not eroded. These trails are used every year by thousands of children, and they are not eroded. What makes the difference is that they are not used by bicyclists and horse-riders, at all, ever.

Nisene Marks State Park should be available for a variety of uses, but all biologically sensitive, unique, steep, easily-eroded, and marshy areas should be declared low intensity use, for walkers only. Existing damage to trails should be repaired and enforcement of regulations improved. The EIR is not adequate. More time should be given and a complete report made, one that

is based on a thorough study of all areas of the park, all plant communities, all current erosion problems, the effects of human use on watersheds, soil types, slope of trails, documented species, etc. Decisions about state parks should be based on accurate and complete information, and protection of both the natural environment and park features such as trails should be the highest priority.

Sincerely,

A handwritten signature in cursive script that reads "Kitty Miller". The signature is fluid and elegant, with a long, sweeping underline that extends to the right.

Kitty Miller

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MAY 12 2003

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**MARK FARBER, PhD**  
**3020 McGlenn Drive Aptos, CA 95003**  
**(831) 475-7758**

May 2, 2003

Ellen Wagner  
Department of Parks and Recreation  
Northern Service Center  
P. O. Box 942896  
Sacramento, CA 94286-0001

Dear Ms. Wagner:

I am a resident of Aptos and a frequent hiker and jogger in the Forest of Nisene Marks state park. I believe that the state park system is one of California's most valuable assets, and I contributed a few thousand dollars to the California State Parks Foundation last year.

Thus I read the "Preliminary General Park/Draft Environmental Impact Report for the Forest of Nisene Marks State Park" with great interest. I am writing to express my opposition to the proposed land development plans in this report.

The report initially seems to recognize the uniqueness of the Forest of Nisene Marks, describing the site as an "island of seclusion and serenity," "a complex mosaic of plant and animal communities," and an area where Californians can find "quiet places a mere 100 yards off the well-traveled main road." (p. 1) Yet the report proceeds to focus on "improvement goals" that would undermine the park as an island of serenity and an alternative to the larger parks in the area.

As a business professional who regularly reviews new business proposals, I do not believe this report has made a clear case for the various land development projects it proposes. While the report recommends seven "improvements," it provides evidence of a clear need for only one project—increased parking capacity (which can be resolved by purchase of dirt lots in Aptos Village outside the park).

Why does the report seek construction of a Visitor Center? There are already at least three state park visitor centers within 15 miles of the Forest of Nisene Marks. As the report notes, nearby Seacliff Visitor Center currently coordinates programs for the Forest. The report makes no case for why this center is not sufficient. Clearly, one way of preserving the park as an "island of serenity and seclusion" is to not build a visitor center on park grounds. Clearly, any claim that construction of a large building in the park would not disturb the area is nonsense.

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The report has also failed to demonstrate any economic value in building a visitor center. It seems possible that sale of souvenirs and food on park grounds would take business away from local shops.

A similar argument can be made against “landscaped” park entrances, new bridges, and campgrounds. A “landscaped” entrance to a nature reserve—what an Orwellian concept!

While I have not personally visited the current campground, I found no explanation in the report as to why new campgrounds are needed. Given that these campgrounds would be located in the upper reaches of the park, they appear to be a stealth means of converting areas designated for “low use intensity” to “high allowable use intensity.” That does not seem a valid approach to preserving our “quiet places.”

The report claims that its development plans are driven by a major population increase in the Monterey Bay area. It is obvious that regional population growth is likely, but it is also obvious that the report’s data is unreliable. On page 75, the report claims that the “entire Monterey Bay region is expected to grow to a population of 920,908 by 2020 (from 64,282 people in 1995).” While I did not live in this area in 1995, I am fairly certain that more than 64,282 people lived around the Monterey Bay. Since Monterey was one of the state’s larger cities one hundred years ago, a population of 64,282 is probably an underestimate for 1895!

On the other hand, an increase in population makes the preservation of our little “island of serenity and seclusion” all the more vital. Such space will be even more rare as the century advances. How about one park without elaborate buildings and pavements?

The report contains no analysis of potential financial costs of its proposed development projects. These projects seem to run counter to the fiscal issues our state faces. Does the report assume there are unlimited financial resources? Do we need yet another visitor center when our state is cutting services in the face of budget deficits?

While construction projects may be funded by bond issues, I would suggest that the maintenance of our larger heavily used parks and acquisition of new land are better uses of these funds. Wilder Ranch just completed a \$1.38 Million dollar paved bicycle road. The costs for such landscaping at Nisene Marks would likely be higher, with less frequent usage. This sort of paved road would be a convenience for mountain bikers and a disaster for everyone else. (clearly unusable for joggers)

I would urge our state legislators to monitor closely the possible funding of these projects and see if they are the best use of our diminished financial resources.

Finally, it is very disturbing that all three proposed “alternative” plans seem intent on destroying the Mangels Ranch area of the park. The report identifies this area as rich in Purple Needlegrass, a native perennial plant “considered rare by the California Department of Fish and Game.” (p. 14) The report goes on to state that plots of Purple

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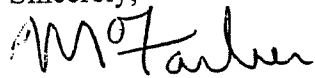
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Needlegrass are "essential habitat for both rare and locally important wildlife species and communities."

Unfortunately, every proposed development plan shows this area as being opened to "high allowable use intensity." The rare grassland is sure to be trampled by mountain bikes and horses, and possibly lost forever to trails, paved roads, and "food storage" facilities. The Mangels Ranch area needs to be re-classified as "low allowable use intensity" on every plan.

In sum, I am very disappointed in this report. I sincerely hope that it is not symptomatic of a trend to bring Disney World to our rare natural areas. I would urge our parks' officials and legislators to reconsider the objectives for the Forest of Nisene Parks in the light of preserving our quiet places for future generations. We have enough bike trails and amusement parks.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Farber". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Farber".

Mark Farber, PhD

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May 6, 2003

MAY 12 2003

NORTHERN SERVICE  
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California State Parks  
Northern Service Center  
P.O. Box 942896  
Sacramento, CA 94296-0001

Attn: Ellen Wagner

Dear Ms Wagner,

The following are my comments regarding the Preliminary General Plan/DEIR for the Forest of Nisene Marks State Park. I have attended all of the public workshops and meetings regarding the General Plan, including the public meeting of April 12, 2003.

#### THE PLAN

Those who attended the workshop of February 2002, and were introduced to State Parks' Alternative Plan B, were surprised on April 12, 2003 to find that State Parks is proffering a new Plan B. In the new Plan, the designation of Natural Preserve has been deleted, supplanted by new land use designations of "Allowable Use Intensity Areas," and "Land Management Zones."

The Preliminary General Plan/DEIR describes the upper portion of the Park as a Low Allowable Use Intensity area consisting of sensitive species, erosion-prone soils, steep slopes of 30 percent or more, special status species including endangered Coho and Steelhead, "pristine" conditions, and highly sensitive areas. It also states that the area will be given a high level of resource protection and "managed with a low tolerance for resource degradation." The Preliminary General Plan then gives a bullet list of activities that would be typical in a Low Allowable Use Intensity area. Activities bulleted are: hiking, swimming, fishing, photography, nature study and interpretive programs. The Preliminary General Plan/DEIR states that this same area - a Low Allowable Use Intensity area - will be managed as a Resource Protection and Low Intensity Recreation Zone - managed primarily for resource protection while providing low impact and low intensity recreation. This language gives the reader the impression that the area will be limited to low-impact recreational opportunities such as hiking, nature study, photography and interpretive study. Not so. According to page 110, the high impact sport of mountain biking is included in Resource Protection and Low Intensity Recreation Zones. This is confusing, misleading, and incongruous information.

When I questioned Mr. Vincent about the incongruity in the Preliminary General Plan/DEIR at the April 12 meeting, he gave assurances that any error in the Preliminary General Plan was unintentional on the part of State Parks. However, given the controversy surrounding the use of mountain bikes on hiking trails in the deeded portion of the Park, it is difficult to understand how such errors went unnoticed by staff.

During the public meeting held on April 12, 2003, I asked Mr. Vincent why the upper portion of the Park was no longer designated a "natural preserve." He

stated that resource ecologists in Sacramento found that the area was not "unique." According to Public Resources Code Section 5019.71, in order to be designated a natural preserve, an area would need to be of "outstanding natural or scientific significance." Outstanding is not the same as unique. Furthermore, this begs the question: How do we know if the area is outstanding or unique if a recent biological resource inventory has not been completed? Page 24, of the Preliminary General Plan/DEIR states that, "surveys specific to this planning effort to identify individuals or populations of special status species within the Park have not been performed." How can a management plan be created to protect special status plants and animals if State Parks does not know what needs to be protected? Likewise, how do you designate land management zones without a biological inventory as a guide for determining zones? This is putting the proverbial cart before the horse.

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#### NISENE MARKS' HISTORY

While Mr. Lydon's historical perspective offers an enlightening overview of the Park's past. It also invites questions. I have been visiting the Park regularly since 1971. Missing from Mr. Lydon's history is an explanation regarding State Parks' decision to exclude bikes from trails in the deeded area after the State acquired the Park. I was told in the early 1970s that deed restrictions precluded bikes from hiking trails in the deeded area. For a more complete history of the Park, Mr. Lydon could have explored the administrative process that lead to the no-bike policy.

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Mr. Lydon's history gives us a 1970s narrative between Herman Marks and Realtor, Don Thompson, where Thompson recounts, "the Marks family had nothing against horses per se, but that they were concerned about the damage that horses might do to the hiking trails in the Park." Please note that Mr. Thompson states 'hiking trails.' Further evidence that the Marks family intended that the trails were to be used for hiking.

#### ENVIRONMENTAL IMPACTS

The level of analysis within the Preliminary Plan/DEIR is insufficient to determine the increased environmental impacts the Park will sustain. The analysis in the Plan is mostly speculative given that there have been no recent surveys, studies, or inventories of the Park's natural resources. Without such surveys it is impossible to determine the impacts of use-intensities, land management zones, expansion of visitor facilities, impacts on special status species, cumulative impacts and carrying capacity. By segmenting, or tiering the Plan it is difficult to determine the cumulative impacts of trails, roads and shared-use areas, as well.

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I think it's important to note that State Parks has failed to address the damage already incurred by mountain bikes in The Forest of Nisene Marks State Park. In recent years, mountain bikes have created numerous unauthorized trails, caused significant damage to existing hiking trails, and have made a practice of cycling in areas of the Park that have been designated off-limits to bikes. Mountain biking is a sport. Mountain bikes on trails pose a risk to hikers and preclude the hiker from enjoying the very experience that the Marks family intended for the visitor.

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## CONCLUSIONS

I am aware of the conflict State Parks had with the State Personnel Board over the hiring of RHAA, and the subsequent legal problems incurred. The Preliminary General Plan/DEIR reflects a lack of congruity, presumably stemming from the two different contributing sources, RHAA and State Parks staff.

Without scientific data and current biological surveys, the Preliminary General Plan does not fulfill analysis and ecological impacts studies as required by CEQA. Additionally, land use designations are inappropriate without a comprehensive resource inventory to identify sensitive species and habitats.

Thank you for the opportunity to participate in this most important process. I hope you will consider my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra G. Henn". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Sandra G. Henn  
227 North Avenue  
Aptos, CA 95003  
831662-2843

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May 5, 2003

MAY 12 2003

NORTHERN SERVICE  
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California State Parks  
Northern Service Center  
P.O. Box 942896  
Sacramento, CA 94296-0001

ATTN: Ellen Wagner

Dear Ms. Wagner,

My wife and I would like to thank you for the opportunity to comment on the Preliminary General Plan for The Forest of Nisene Marks State Park (FNMSP).

We understand that the State Parks initially proposed alternatives that offered considerable protection to its natural resources. Now we understand that the State Parks is proposing a policy that would reduce the level of protection to resources in favor of intense recreational use. 90

A few weeks ago we took a trail in NMSP clearly posted for hikers only - no bikers - and passed two bikers tearing down the trail and taking short cuts. This must be stopped to protect and preserve the sensitive flora and fauna in the park. There need to be areas of the park where visitors such as hikers, walkers, birdwatchers, photographers and others can contemplate nature without being disturbed by high intensity uses such as bicycling and horseback riding. 91

Please increase protections of important native habitats in FNMSP by doing a comprehensive biological resource inventory of the park to determine which areas deserve increase protections and meet criteria for special designations such as natural preserve. General Plan directives state that a Biological Resource Inventory should be completed, followed by a General Plan that is based on results of the Inventory. 92

The Forest of Nisene Marks State Park has been a jewel in the State Park system and a favorite of many of us in the area for more than a quarter of a century. With increasing population, rising park use, and pressures from user groups to expand park uses, State Parks needs to make planning and management decisions that are consistent with the intent of the Marks deed and are based on sound scientific methods.

Sincerely,  


Wilbur Hoff and Kris Muller  
460 Dove Lane,  
Corralitos, CA 95076

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MAY 1 2 2003

NORTHERN SERVICE  
CENTER

Rich Apple  
1682 Colony Way  
Santa Cruz, CA  
95062  
apple@richapple.com  
May 6<sup>th</sup>, 2003

California State Parks Northern Service Center  
Attn: Ellen Wagner  
P.O. Box 942896  
Sacramento, CA 94296-0001

Hi again, Ms. Wagner,

I did already send to you my written comments about the preliminary general plan and draft EIR for The Forest Of Nisene Marks State Park, but if you are putting together a package of public comment to go to the Parks Commission for their consideration, it certainly seems appropriate to include some of the op-ed pieces and letters to the editor that have been in the local Santa Cruz daily newspaper about the subject.

So enclosed please find copies of my op-ed piece printed April 6, 2003, an opposing view op-ed piece by a David Baskin printed April 20, 2003, and four different letters to the editor between April 19, 2003 and May 6, 2003. The letters to the editor were copied and pasted into a single document from the Santa Cruz Sentinel's on-line edition rather than copied individually from the actual newsprint. Their authenticity can be checked via [www.santa-cruz.com](http://www.santa-cruz.com) (the Sentinel's on-line version of their newspaper). The op-ed pieces are not included in the on-line edition...

Also I am including a printout of an op-ed piece I wrote in response to David Baskin's op-ed piece, which may or may not be printed in an upcoming edition of the Santa Cruz Sentinel.

Thank You,

A handwritten signature in black ink, appearing to read 'Rich Apple', with a stylized flourish at the end.

Rich Apple

# The Forest of Nisene Marks? Read the deed

By RICH APPLE

In the '60s, the Marks family gave a wonderful gift to Santa Cruz County and the state of California. The Forest of Nisene Marks is a beautiful oasis of serenity in our midst, especially appreciated with such horrible things happening in the world today.

Sadly, a horrible thing is happening also to this generous legacy of the Marks family in that the State Parks Department is pressing forward with a plan that disregards the deed agreement by which the land was granted to the state.

A central issue in the debate over the general plan drawn up for the park is whether or not mountain bikes should be allowed on the single-track trails above the steel bridge.

Most hikers are saying they would like to see the intent of the deed honored and bikes kept off the upper trails so the quiet appreciation of nature found in hiking can be enjoyed without being suddenly startled and overwhelmed with the adrenaline rush of fear experienced when a biker comes racing from out of nowhere down a winding, narrow trail.

A large number of very political, organized and vocal mountaineers

bikers are pushing for access to the trails, as they have successfully done all over the Bay Area. Since the deed stating the use restrictions for the property were written in the '60s, it of course doesn't explicitly state that mountain bikes (which didn't exist then) are to be restricted. Bike advocates are eager to take advantage of this "technicality." (I thank the mountain bikers I've talked to who do recognize that "shared trails" in Nisene Marks would be equivalent to saying "hike at your own risk" and who are not advocates of reinterpreting the deed.)

In the '80s, when mountain bikes became popular, the deed restrictions were quickly interpreted to not allow bikes on the trails above the steel bridge, a rule that has stood until now. I think people should read the deed to get the full sense of its intent, which is why I've put it online at [www.richapple.com/nisene.htm](http://www.richapple.com/nisene.htm).

Two key elements in the deed are that it specifies that the property "be preserved for all time as a natural preserve" and that the use of the property (roughly above the steel bridge) "shall be limited to camping, nature study, hiking, and associated activities." The deed also states "that there shall be no horseback riding thereon," which

has mostly been interpreted as being for protection against erosion, something that bikes romping down wet trails excel at causing.

"Natural Preserve" is a categorization of land use for the state that prohibits mountain bikes. Bike advocates quickly point out that the use of the words in the deed predated the adoption of the term by the state. I have a lot of respect for words and I would expect that it was the purposeful use of those words in legal documents during the '60s that led to their adoption as a land-use designation in 1971 by the state. I think when the Marks family (and the Nature Conservancy, which helped with the deed) said "natural preserve," they meant those words exactly as they are legally used today.

Bike advocates further propose that the thrill sport of mountain biking down single-track trails is an activity associated with "camping, nature study, and hiking" and therefore allowed by the deed. Biking down the steep, winding trails that are covered by the deed restrictions is a far cry from a family gently riding their bikes along the fire road in Nisene Marks to enjoy the great outdoors. Doesn't it seem that trail-riding is to "camping, nature study, and hiking" what a tidal wave would be to a quiet walk on the beach? Reading,

photography, jogging — these are activities associated with "camping, nature study, and hiking." Perhaps a measure of what is in keeping with such "associated activities" is how likely it is to hurt the very nature that's being studied and enjoyed. I doubt that experiencing the sadness of finding one of the many banana slugs that make their slow way across the trails squished and killed unknowingly by a mountain biker is an "activity associated to nature study" that the Marks family had in mind.

Please read the deed at my Web site since it's not included at the [www.SantaCruzStateParks.org](http://www.SantaCruzStateParks.org) site where you can find the preliminary general plan and draft EIR, as well as specifics about the next public meeting, which will be April 12 at 10 a.m. at the Mar Vista Elementary School multi-purpose room, 6860 Soquel Drive. Written comments regarding the plan and EIR can be submitted, but must be postmarked no later than May 12 and sent to California State Parks and Northern Service Center, Attn: Ellen Wagner, P.O. Box 942896, Sacramento, CA 94296-0001.

Local resident Rich Apple is a programmer/analyst at UC Santa Cruz.

## Local cartoonists wanted!

We're looking for a few good cartoons. We welcome editorial cartoon contributions from our readers, particularly on local subjects. Cartoons must be of near-professional quality, and should comment on an issue that affects those of us living in Santa Cruz County.

Sorry, we're not able to return the cartoons, so you should submit a copy, rather than an original work. Nor are we able to pay for any contributions. Please send your cartoons to "Editorial Cartoons," Santa Cruz Sentinel, 207 Church St., Santa Cruz, CA 95060.

# Shared-use trails are good for Nisene Marks

By DAVID GREEN BASKIN

This is written in response to Rich Apple's editorial, "The Forest of Nisene Marks? Read the deed" in the April 6 Sentinel, and by way of follow-up to Brian's article in the paper regarding the upcoming Nisene Marks Plan meeting.

I have attached a letter I wrote to Dave Vincent at State Parks some months ago. This letter was written in response to a letter from Attorney Bill Parkin, who wrote on behalf of the anti-mountain biking folks, urging the same position that Mr. Apple supports in his editorial. It is obvious that Mr. Apple is trying to raise passion and prejudice in response to my letter.

It is clear from proper legal analysis that the deed restrictions in the Nisene Marks Deeds are not enforceable. Nonetheless, State Parks land managers have decided to continue the prohibition of motorized vehicles and horses from the park lands because they feel an obligation to honor the intent of the donors of the land. The proposed general plan allows mountain biking in the park to continue on appropriate trails as determined from time to time in the trail-planning process. Mountain bikes have never been prohibited from the park. The issue has always been which roads and/or trails are suitable for which uses. The deed

NOT THAT THINGS ARE PERFECT. THERE ARE TIMES WHEN MOUNTAIN BIKERS RIDE IN UNAUTHORIZED AREAS. HOWEVER, THE PROBLEM OF PEOPLE GOING INTO UNAUTHORIZED AREAS IS NOT EXCLUSIVE TO ANY SINGLE USER GROUP — HIKERS AND EQUESTRIANS DO SO ALSO. THERE ARE ALSO TIMES WHEN THE USER GROUPS MAKE ONE ANOTHER UNCOMFORTABLE. ... SIMILARLY, ACTIONS BY USERS THAT CONTRIBUTE TO EROSION OR OTHERWISE DAMAGE THE RESOURCES ARE NOT LIMITED TO ANY SINGLE USER GROUP.

restrictions do not prohibit or address the presence of bikes in the park; and therefore there is simply no inference to be drawn concerning the donors' intent in this regard. In short, from the deeds, one cannot identify with certainty whether the donors, had they addressed the issue of bikes in the park, would have allowed them or not.

Folks like Rich Apple are, unfortunately, engaged in the same anti-mountain-biking witch hunt that has permeated the anti-mountain-biking forces for the better part of the past two decades. Fortunately, decades of experience with mountain bikes in parks has educated the land managers to the simple facts of the situation with the conclusion that shared-use trails work.

Not that things are perfect. There are times when mountain bikers ride in unauthorized areas,

The land managers also know that the main cause of excess erosion is simply heavy rains, coupled with trail design and maintenance. As trail design and maintenance improve, erosion problems lessen. For that reason the land managers are glad to work with volunteers who participate in trail-work days at Wilder, Gray Whale, Nisene and Soquel Demonstration Forest. The volunteers come from all user groups and they work together to make the parks a better place for all.

State Parks and Recreation sees its mandate as shepherding the resources while providing recreational access to the public. As the recreational needs and desires of the public change, it is the job of State Parks to respond by providing appropriate access to what are limited resources. As the population grows and the recreational tastes of the public become more diverse, the simple reality is that we all have to be prepared to work together and share the resources so we can all have the best possible experience in the parks.

Like children, we have to learn to share our toys. Hopefully, the spoiled apples who cannot do so will not ruin it for the rest of us.

David Green Baskin is a Santa Cruz resident.

April 19th

## **Bikers need to take care**

I understand the concern about mountain bikes swooping down the trail at a comparatively slow-moving hiker or backpacker.

Having been nearby when the restriction was added to the deed concerning the horses having use of the park, it was because some horse people galloped down upon the donor of said park. All the dignitaries were there discussing the gift near the old mill site. Perhaps in a later year they might have felt just as threatened by someone on a mountain bike.

My observation of mountain bikers is that they are more interested in keeping the front wheel safe than seeing a hiker or the vanishing chipmunk hiding beside the trail.

Sure, because of my work time-limit, I have had my vehicle in places within the eucalyptus tree row signifying the park boundary. I was there just to get the finish flagging placed to mark the proposed trail grade as laid out by Park Surveyor Dale Wilson. This was for my trail workers to proceed the following day. Of course, there were those who felt their privacy was being invaded and attempted to remove all flagging before the work began.

I have not been impressed by having an organized horsemen group in contributing labor in the construction of the potential or existing trails and less by the mountain bikers' contribution in "Trail Day," which has been an ongoing annual effort since the inception of this park and other state parks. Oh yes, there have been individuals who have worked hard to get the existing trails installed and my sincere thanks goes out to all the trail workers.

**WILLIAM TEFERTILLER**  
APTOS

May 3

## **Respect Nisene Marks**

I am writing in response to Baskin's editorial in the April 20 Sentinel, in which he argues for the use of mountain bikes in Nisene Marks State Park.

The primary issue is not how to get the most use by the most people out of the park. In this case, the issue is what Herman, Andrew and Agnes Marks envisioned for the park.

To quote the deed, they envisioned an "undeveloped park, left in its natural state" as a "nature preserve" and "a place for quiet contemplation." Horses and motor bikes were specifically excluded because they were contrary to this type of experience.

Mr. Baskin's contention that since mountain bikes didn't exist when the park's deed was written, "Therefore, there is simply no inference to be drawn concerning the donors' intent in this regard" is a real stretch.

Dismissing the Marks' wishes as spelled out in the deed because they are "unenforceable" does a disservice to the legacy intended by the Marks family. They saw the forest as having its own intrinsic value; people are free to enter, observe and appreciate. They certainly didn't see it as a "toy" (to quote Mr. Baskin) for the mountain-bike crowd.

**MICHAEL HUMENIK**  
APTOS

May 5

## **Don't shoot the messenger**

Contrary to assertions made by Mr. Baskin in his commentary on Nisene Marks State Park (Sentinel, April 20), the "anti-mountain biking folks" in our community are not as he describes. We are not anti-mountain bike, nor are we anti-horse. Many of our group are mountain-bike riders and horse riders. Furthermore, we respect the right of bike riders to ride on fire roads in Nisene Marks State Park as they have been authorized to do since the state acquired the park. However, we also respect the intent of the Marks family, who donated this beautiful area to be protected as a natural preserve.

What we are against is the amount of degradation to trails that has occurred within the park. We don't approve of unauthorized bike trails carved in areas off limits to bikes. We don't approve of damage done to fragile natural resources by unauthorized and illegal bike activities. We don't approve of the speed with which some bikes travel in areas that are shared with humans and horses.

I could have read Mr. Baskin's editorial and accepted that we might agree to disagree had the writing not become mean-spirited and personal. Insulting the messenger is a juvenile tactic that undermines public discourse. We don't have to agree, but let's keep the debate focused on the issue.

**SANDY HENN**  
APTOS

May 6

## **Only bikers benefit**

Your April 20 headline on D.G. Baskin's commentary read: "Shared-use trails are good for Nisene Marks."  
Try: "Shared-use trails are good for mountain bikers."

Only mountain bikers will benefit from shared trails. They have already ruined the park for many non-bikers and will continue to ruin it.

When Nisene Marks was given to the state, the Marks family limited use of the property to "camping, nature study and hiking, and associated activities." Now, the proposed Nisene Marks general plan includes mountain biking as an associated activity.

No other activity requires helmets — though we (with octogenarian parents and young grandchildren) may have to wear crash helmets for self defense from bikers.

Baskin says all users will have to be "courteous and considerate." True, but a small percentage of bikers has already chased us and many others out of the park. Experience has taught us to expect rudeness and inconsideration.

Rudeness shows in Baskin's inappropriate lawyer threat (that deed restrictions are not enforceable). He argues that bikes should be allowed because deed restrictions do not prohibit bikes. They don't prohibit marching, either, and marching is associated more closely than biking with hiking.

Finally, Baskin contends that population growth and changing recreational tastes force us to ignore the Marks' family's intent. That's just inconsiderate.

I don't know Rich Apple, but he had it right in his reasoned and mature essay on April 6.

Mountain bikers have trails elsewhere. Leave Nisene Marks to be what the Marks family intended, a "natural preserve."

**DICK ANDRE**  
APTOS

4/23/03

Shared-use trails are not the issue

The April 20 editorial "Shared-use trails are good for Nisene Marks", stated to be written in response to an earlier editorial of mine championing the position that the deed for Nisene Marks restricts mountain biking from the single-track trails above the steel bridge, certainly calls for a few corrections.

The author says it's obvious I was writing my editorial to "raise passion and prejudice" in response to a letter he wrote to the District Superintendent of State Parks. My reply can only be, "*And you would be...?*" Really, I don't know who the author is, I haven't read his letter, and being that it was a letter he sent to State Parks, I'm not sure why the author thinks I could have seen it.

I do find it fair to say, though, that my editorial was hoping to "raise passions" about the injustice I see in how the deed is being sidestepped.

The author goes on to imply that some sort of legal analysis has determined that the deed is not legally binding, and that State Parks is honoring some aspects of the deed only to be nice and "honor the intent of the donors." I'm sure this is vastly misrepresentative of State Parks' position. I have been to almost all of the public meetings, and never has anyone from State Parks discredited the deed or implied that it is not legally binding.

There was a telling moment in the last public meeting, in fact, where in answering a question about equestrian usage in the deed restricted area, the District Superintendent stated that the ban against horses was explicit in the deed, so "*there's no getting around that.*" As I heard those words, I found them consistent with my theory that many who are proceeding to reinterpret the deed to potentially open the area up for bikes are doing so knowing they are using a technical loophole in the deed stemming from mountain bikes having not been around when it was written. (This was my interpretation. I do not mean any disrespect to the District Superintendent; he could have had any number of thought processes behind his use of that phrase.)

I do want to assure the author that I am not "anti-mountain biking" or engaged in a "witch hunt" against the sport. I have two mountain bikes myself, and while I must confess to having illegally ridden West Ridge Trail in the mid-eighties (shortly after the deed was first interpreted to ban the then *new* sport of mountain biking on all single-track trails above the steel bridge), I feel compelled to point out that I quickly figured out that too much of that ride was just too risky in terms of potential hikers, so I stopped.

I am also *not* against shared-use trails, but I am against them for two reasons in Nisene Marks. First, I truly do believe the deed restricts such, and second, the vast majority of the trails I've been on in Nisene Marks (and I do love hiking up there), present a public safety risk as shared-use trails. Civility and friendliness have nothing to do with it. Visibility, curvature, narrowness and incline do.

The author would probably be surprised to know that as passionate as I am about my views on the deed (see [www.richapple.com/nisene.html](http://www.richapple.com/nisene.html) to read the actual deed), I am always extremely cordial and accommodating as I scout a poison oak free spot for stepping off the trail for bikers riding illegally in Nisene Marks. And I do acknowledge that sometimes, depending on the luck of where one is on the trail, such episodes can occur without an adrenaline rush of surprise or high risk of injury.

Lastly, I intend nothing personal against any of the people involved in this process. All of the varying people taking an interest in the General Plan for The Forest of Nisene Marks – State Parks employees, hikers, nature-lovers, biologists, wildlife devotees, mountain bikers – all seem to be good people who value the beauty and healthfulness of this beautiful gift from the Marks family.

Local resident Rich Apple is a programmer/analyst at UC Santa Cruz.

**Richard J. André**  
310 Kingsbury Dr.  
Aptos, CA 95003

Phone: 831-688-5928; e-mail: randre@cruzio.com

May 8, 2003

Re: The Forest of Nisene Marks General Plan

Rusty Areias  
Director, Department of Parks & Recreation  
P. O. Box 942896  
Sacramento, CA 94926-0001

Dear Director Areias:

Absolutely, advise Parks commissioners that mountain bikes do NOT belong in The Forest of Nisene Marks. When commissioners consider the proposed plan at their upcoming meeting, they must pay attention not only to the intent of the Marks family but to the many true hikers and lovers of nature who have been forced out of the park by mountain bikers, many of whom cause damage and danger.

Am I against mountain biking? As someone who has commuted to work on a bicycle and is considering purchase of a mountain bike, I am emphatically not against mountain biking. However, it has its place--not in this place. Especially because State Parks accepted the property with clear restrictions. The argument of the bikers, of course, is that mountain biking is an activity associated with nature study, camping, and hiking. What are they smoking? Mountain biking is clearly in conflict--not associated with--with walkers on most trails in the park.

The bikers have an answer to that, too. They will stay on designated trails and behave. They've had two years to demonstrate proper behavior and have failed. If they haven't changed, they won't change.

You don't want to read 5,000 words on the topic, but I will ask you to read the letter I had printed in the Santa Cruz Sentinel and the letter (with foreword) sent by my wife 11/2 years ago. Thank you for your attention, sensitivity, and responsible action.

Sincerely,

Dick André

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**Letter to the editor, printed 5/6/03**

## **Only bikers benefit**

Your April 20 headline on D. G. Baskin's commentary read: "Shared use trails are good for Nisene Marks."

Try: "Shared use trails are good for mountain bikers."

Only mountain bikers will benefit from shared trails. They have already ruined the park for many non-bikers and will continue to ruin it.

When Nisene Marks was given to the state, the Marks family limited use of the property to "camping, nature study, and hiking, and associated activities." Now, the proposed Nisene Marks general plan includes Mountain biking as an associated activity.

No other activity requires helmets--though we (with octogenarian parents and young grandchildren) may have to wear crash helmets for self defense from bikers.

Baskin says all users will have to be "courteous and considerate." True, but a small percentage of bikers has already chased us and many others out of the park. Experience has taught us to expect rudeness and inconsideration.

Rudeness shows in Baskin's inappropriate lawyer threat (that deed restrictions are not enforceable). He argues that bikes should be allowed because deed restrictions do not prohibit bikes. They don't prohibit marching, either, and marching is associated more closely than biking with hiking.

Finally, Baskin contends that population growth and changing recreational tastes force us to ignore the Marks' family's intent. That's just inconsiderate.

I don't know Rich Apple, but he had it right in his reasoned and mature essay on April 6.

Mountain bikers have trails elsewhere. Leave Nisene Marks to be what the Marks family intended, a "natural preserve."

Dick André  
Aptos

**Ramona E. André**

Oct. 22, 2001

[foreword, dated May 6, '03: Since my letter of Oct. 22, '01, we went to Nisene Marks last summer with visiting friends (including three teenagers). There was another near miss at that time, plus difficulty walking because of "scars" from bikes. Also, there appeared to be more bikes everywhere, particularly where they don't belong.]

Re: The Forest of Nisene Marks State Park General Plan

Royston Hanamoto Alley & Abbey  
225 Miller Ave.  
Mill Valley, CA 94941

Dear Sirs:

The Marks' family document states there shall be no vehicles except on the fire roads. American Heritage College Dictionary says a vehicle is a device or structure for transporting persons or things (definition no. 1). The Marks' intent with the park was for a peaceful place for people to enjoy nature.

We have written letters previously to the State Parks regarding problems at Nisene Marks. Since then, the problems have increased. We have used and appreciate the park for 23 years. We would walk and picnic with four generations of our family together until it became too hazardous.

We seldom go there any more because of many near misses dodging speeding bikes and herds of runners on the trails. It is no longer pleasant. Also, in addition to the above, this summer, dogs were running loose.

It is sad that the Marks family donated this beautiful spot for a purpose, but it is not being used for that purpose. We feel like we're on a highway and there should be traffic lights.

Sincerely,  
Ramona E. André

cc: Ellen Wagner, State Parks Northern Service Center, P.O. Box 942896,  
Sacramento, CA 94296-0001  
Kathy Barnes, The Nature Conservancy, 201 Mission Street, 4th Floor,  
San Francisco, CA 94105  
Royston Hanamoto Alley & Abbey, nisenemarks@rhaa.com  
Clint Eastwood, Parks Commissioner, Carmel, CA

May 6, 2003

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California State Parks  
Northern Service Center  
Attn: Ellen Wagner  
P.O. Box 94296-0001  
Sacramento, CA 9426-0001

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Re: The Forest of Nisene Marks State Park Preliminary General Plan/Draft Environmental Impact Report

Dear Ms. Wagner:

I appreciate all the good work that went into preparing the Preliminary General Plan as well as the inclusion of input from the General Public that was part of the process. I support the Plan, particularly the establishment of Resource Management Zones and the emphasis on a carefully designed trail system with looping trails to disperse use and reduce congestion.

It is very important that there be a objective unbiased study to develop a well designed trail system that accommodates all of the various users in Nisene Marks, disperses use, and reduces congestion as well as protecting natural resources. As a member of The Advocates for Nisene Marks, I have had the opportunity to help with maintaining the trails in the park. Careful trail design is particularly important in this park because the terrain and surrounding environs and developed areas funnel most users into the heavily used "throat" of the park which acts as the entrance to the park, as well as access to private homes within the park.

As an equestrian and hiker who rides and hikes in the park several days a week, I appreciate that the Unit Vision includes the accommodation of equestrians in the lower portion of the park. To reflect this accommodation, the language "equestrians" or "Horseback riding" should be included the High Allowable Use Intensity activities (p. 106 Web copy of the document).

A limited portion of the park is open to equestrians. Due to deed restrictions equestrians are prohibited above the steel bridge and are limited to the smaller lower portion of the Park. This lower area is the area of most intensive recreation and congestion in the Park. Bikers, runners, hikers, (as well as car and trucks on the paved road) all share this portion of the park.

Future developments could further impact the areas open to equestrians. The proposed Visitors Center and parking area(s), with passive introductory loop trails, as well as a possible camping area will further reduce the area available to equestrians.

Because of the limited area in the Park available to equestrians, the increasing congestion in the "throat" of the park and ensuing safety issues, the Mangels trail/Hetzer area should be kept open to equestrians. This area will provide the longer looping trails consistent with the Unit Vision, reducing congestion and dispersing use away from the heavily used "throat" of the park, and maintaining access to vista points.

The Mangels trail/Hetzer area is in the lower part of the park, the Management Zone designated for more intensive recreation and resource protection. Well over 50% of the entire park is dedicated to low use with resource protection. An objective, unbiased trail study in this area is

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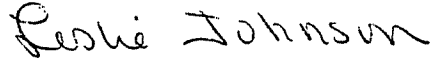
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particularly important. A well designed and maintained trail system in this area could ensure that any sensitive resources in the area are protected, as well as disperse use and reduce congestion in the lower part of the park, satisfying both user needs and resource protection requirements.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Johnson".

Leslie Johnson  
Advisory Council, The Advocates for Nisene Marks State Park  
356 Robles Drive  
Santa Cruz, CA 95060

Ellen Wagner  
California State Parks  
Northern Service Center  
P.O. Box 942896  
Sacramento, CA 94296-0001

May 6, 2003

Re: The Forest Of Nisene Marks State Park, Aptos CA, Preliminary General Plan/Draft EIR.

Dear Ellen Wagner,

I have been a resident in Santa Cruz County for 25 years and love hiking in Nisene Marks State Park. I am against allowing mountain bikes on hiking trails the park. Mountain bikers already have access to the fire road through the park which is wide and appropriate for cycling.

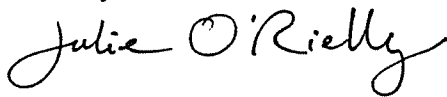
I am not anti-cyclist, I am an avid cyclist myself, and as a cyclist I clearly see how inappropriate and dangerous it is to have "shared use trails" which would include bicycles on pedestrian trails. According to the gift deed, the Marks family also recognized this fact and clearly intended the land be used for hiking, excluding mounted travel of any sort since it would interfere with the well-being of hikers. This intent is exemplified in the deed by the specific exclusion of horseback riding, since at the time of the writing of the deed, the popularity of mountain biking did not exist. If the State of California allows mountain biking on the hiking trails in this upper portion of the park, it appears to me, that according to the deed, descendants of the Marks family or executors of their estate could pursue a court case to repossess their generous gift.

Having mountain bikers on the same narrow trails with pedestrians is an extremely dangerous proposition. In all of my experiences, when mountain bikers approach pedestrians, pedestrians are forced off the trail. If the trail is steep and the bikes are heading downhill, hikers must be constantly listening for the approach of mountain bikes which greatly detracts from the experience of a pleasant hike and the contemplation of the natural surroundings. This situation is definitely not in keeping with the intent of the gift deed which was meant to preserve a serene environment for foot travel. If a slow-moving person, or someone with a hearing impairment is on the trail in front of mountain bikers, it would most likely lead to personal injuries and lawsuits.

Mountain bikes damage the fragile wet earth eco-system that is prevalent in the redwood tree environment of Nisene Marks Park. When mountain bikes are encouraged in a park, they inevitably blaze new more challenging obstacle courses by cutting paths in hillsides causing serious erosion and damage to the flora and fauna in the area. Cyclists travel too fast to avoid or even see smaller animal life such as newts, snakes, and banana slugs which are often injured or killed by mountain bikes.

The generous gift of Nisene Marks Park, entrusted to the people of California, should be honored by respecting the original intent of the deed and by responsibly preserving the natural environment for its own intrinsic value. It is our responsibility to protect and preserve the serenity and beauty of Nisene Marks Park as a unique and peaceful refuge for future generations wishing to quietly contemplate the beauty of nature.

Sincerely,



Julie O'Rielly  
620 Bonita Drive  
Aptos, CA 95003

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May 9, 2003

Ellen Wagner  
California State Parks  
Northern Service Center  
P.O. Box 942896  
Sacramento, CA 94296-0001

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Dear Ms. Wagner:

I am strongly opposed to mountain bikes in Nisene Marks State Park. They are dangerous and disruptive. I took my four year old to the park on two occasions and will not return due to the threat of being hit by mountain bikers.

During my previous visits, my child wandered along the trails, looking at the flowers, insects and birds. On numerous occasions, mountain bikers appeared suddenly going very fast. When the bikers saw us, they yelled "Left" or "Right". It is ridiculous to think a young child would understand what this means. There were several near accidents.

I have not returned to Nisene Marks for the past year and a half due to the mountain bikers and do not intend to return as long as they are allowed to ruin the park for walkers, hikers and nature lovers. Instead, we go to County parks and she climbs on metal and plastic play structures. What a shame that the incredible natural parks have been, in effect, taken over by mountain bikers at the expense of young children.

I urge you to prohibit mountain biking in Nisene Marks so that we can have at least ONE natural park that allows for families of young children to enter safely and enjoy nature.

Sincerely,



Nancy Lockwood  
101 Kelp Lane  
Aptos, CA 95003

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STEWARDS OF SOQUEL FOREST  
11990 Page Mill Road  
Los Altos Hills, CA 94022  
650-917-8699



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California State Parks  
Northern Service Center  
ATTN: Ellen Wagner  
PO Box 942896  
Sacramento, CA 94296-0001

May 9, 2003

Dear Ms. Wagner,

I am writing regarding the Preliminary General Plan / Draft Environmental Impact Report for the Forest of Nisene Marks State Park (SCH #2001-022080) on behalf of the Stewards of Soquel Forest, a 501(c)(3) non-profit organization which is devoted to assisting the California Department of Forestry with education, recreation and forest and watershed stewardship in the Soquel Demonstration State Forest.

The Soquel Forest shares a common boundary with Nisene Marks State Park - about 3.5 miles, or more than half of Nisene Mark's northern boundary. Many residents from the Santa Cruz and San Jose areas access the Soquel Forest through Nisene Marks via the Aptos Creek Fireroad. The vast majority of visitors to Soquel Forest are mountain bicyclists (approximately 90%), with hikers, dog walkers and equestrians also using the forest trails.

In general, we support the Preliminary General Plan / Draft EIR. It is clear that with the assistance of the consultants, State Parks staff has done an admirable job responding to public input provided during the planning process, and has balanced concerns for natural resource preservation while providing for appropriate recreational opportunities.

We offer specific comments on the following areas:

#### **Regional Land Use**

Sections on Sierra Azul Open Space Preserve, the Bay Area Ridge Trail, and the "San Francisco Bay to Monterey Bay Trail" should be added to pages 5 through 6.

The Loma Prieta area of Sierra Azul Open Space Preserve was acquired by MROSD in December 2002. This acquisition expanded Sierra Azul to about 12,000 acres and brought its boundary in contact with the Soquel Forest, which resulted in a continuous link of public lands from Los Gatos and San Jose to Santa Cruz. Additional detailed information on this Open Space Preserve can be obtained from Craig Britton, General Manager of MROSD at 650-691-1200

The Bay Area Ridge Trail is planned to connect Sierra Azul with Uvas Canyon and Mt. Madonna County Parks. The exact route of the Ridge Trail in this area is not yet known and is contingent

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on acquiring land or trail easements to make the connections. Should State Parks find an opportunity to acquire lands to the north of the existing Nisene Marks boundary it could not only provide a corridor for a trail route connecting Nisene with Uvas Canyon, but also between Uvas Canyon and Sierra Azul to complete the Ridge Trail in this area. Additional information on the Bay Area Ridge Trail can be obtained from Holly Van Houten, Executive Director of the Bay Area Ridge Trail Council at 415-561-2595.

California State Parks has an opportunity to contribute to the completion of a major long-distance regional trail, which is variously called either the "Silicon Valley to Silicon Beach" the "San Francisco Bay to Monterey Bay" or the "San Jose to Santa Cruz" Trail. This trail, when completed, would be very similar (but much longer!) to the Skyline to the Sea Trail that connects Castle Rock State Park with Big Basin State Park. It would be approximately 50 miles long and would provide a continuous off-road path from the Bay Trail at the waters of the San Francisco Bay at the end of the Coyote Creek in San Jose, through the center of Silicon Valley along the Coyote Creek or Los Gatos Creek Trails, then up into New-Almaden Quicksilver County Park or Lexington County Park and Sierra Azul Open Space Preserve to the summit of Mt. Loma Prieta. From there, the trail would continue south through the Soquel Demonstration State Forest and the Forest of Nisene Marks State Park, through two privately held parcels and onto the grounds of Cabrillo Community College, and finally end at the Coastal Trail in New Brighton State Beach on the shores of Monterey Bay. The southern-most portion of this proposed trail, between Nisene Marks State Park and New Brighton State Beach is also known as the "Nisene-to-Sea" Trail.

No one agency has taken the lead on completing this trail. We would love to see State Parks take an interest in coordinating this effort. Different agencies will need to cooperate to ensure this trail can be completed. The City of San Jose, Santa Clara County Parks and Recreation Department, Midpeninsula Regional Open Space District, California Department of Forestry, California State Parks, Cabrillo Community College, and CALTRANS would all contribute to completing the route.

The Midpeninsula Regional Open Space District, Santa Clara County Parks, and the Bay Area Ridge Trail Council all work in partnership with other agencies to effect regional connections between existing public lands. This section would be greatly strengthened by providing a small-scale map of the region, to illustrate the geographic relationship of Nisene Marks to other publicly held lands in the area. The map provided on page iv isn't quite adequate. I have calculated the total combined contiguous area of public lands adjacent to Nisene Marks to be about 19,000 additional acres that can be accessed from Nisene Marks. This significant information is lost without a map covering a wider area to illustrate it.

### **Cultural Resources**

We note the following statement found on page 50 regarding the lands which are now the Soquel Demonstration State Forest "...based on the heritage resources and recreation potential, the Soquel Creek lands are only marginally suitable as an addition to Nisene Marks..." We note with no small amount of irony that this area has, contrary to earlier State Park estimations, proved to have a remarkably strong appeal for recreation, especially for mountain bicyclists who enjoy the Soquel Forest a great deal. We suggest that this section be expanded to fully disclose the current existing conditions within Soquel Forest because they impact planning efforts in Nisene Marks. We have noted as many as a hundred vehicles parked on Highland way on sunny weekend summer days, well exceeding the capacity of the parking lot provided, which suggests that several hundred visitors use the trails in Soquel Forest per day during peak periods. Most of the mountain bicyclists access the trails by taking Highland Way to

Buzzard Lagoon and Aptos Creek Fireroads in Nisene Marks to the beginning of the Ridge Trail in Soquel Forest. This influx of recreational use in the northernmost portion of Nisene Marks is a significant existing condition.

### **Historic, Educational & Interpretive Resources**

These sections lack disclosure of several Historic Sites in the northernmost areas of Nisene Marks. One area relates to the logging activities described in the Hinckley Basin on page 39. There is a large, level clearing north of Hinckley Creek that contains stacks of split stuff and large cables that may potentially provide evidence of cable footings used to move wood over Hinckley Ridge to the Loma Prieta Mill. There is also a grove of impressively large redwood and fir trees there, as well as a cluster of old-growth trees along the ridge south of the Saw Pit trail in Soquel Forest. There are also remnant railroad rails in Hinckley Creek below these areas; the rails are visible from a graded railbed alongside Hinckley Creek leading to the Hinckley Mill site. The railbed is in remarkably good condition; a few landslides and treefalls block easy use of railbed as a trail, however it could be cleared to provide access (see page 64). This area may be worthy of Historic District designation and has significant interpretive potential. The land between the existing Nisene Boundary and Soquel Creek, north of Hinckley Creek contains the tunnel described on page 39, and should be included as one of the properties to consider for acquisition.

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Cussacks Meadows is another interesting Historic Site with significant interpretive potential.

There are old fences and gates, cabin remnants, old road cuts and other Historic Features that hint at the uses this relatively flat upland area was put to decades ago. The meadows appear to be undergoing plant succession, with rapid growth of coyote bush encroaching on the grasslands. This area should be added to the list of sites worthy of interpretive panels on page 97.

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The Buzzard Lagoon area also has historic and natural resource interest. Furthermore, this remote region, including Cussacks Meadows and other areas adjacent to Buzzard Lagoon Fireroad (such as Buzzard Lagoon itself), is at risk of significant resource degradation through persistent off-road motorcycle and 4-wheel drive use on and off the trails and roads, through dumping, illegal firewood harvesting, and firearms use. A large, expensive effort to prevent illegal access to Buzzards Lagoon through installation of bollards and cables was undertaken about 10 years ago along with efforts to restore damage from off-road vehicles. This has proven ineffective. State Parks staff resources are currently unable to provide adequate patrols or monitoring of this area and extensive damage due to illegal use is ongoing as of today. This human impact should be disclosed as a significant existing condition that should be corrected as soon as possible to prevent further damage to the resources.

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Mt. Rosalia offers panoramic views of the Monterey Bay with most of Nisene Marks visible in the foreground. This entrance to Soquel Forest is a heavily used gathering site for visitors to both Nisene Marks and Soquel Forest and would provide an excellent location for interpreting regional connections, landforms and plate tectonics, and other "Big Picture" concepts. This area could also be improved with provision of a few picnic tables. The potential for an aesthetically stunning interpretive trail serving long-distance trail users in this area should not be overlooked, including interpretive panels at Mt. Rosalia (page 97).

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### **Recreational Resources**

As described above, significant REGIONAL recreational opportunities are possible in Nisene Marks. We encourage you to note these important regional trail connections on page 66.

Camping is available at Uvas Canyon and, Mt. Madonna, and is proposed for Sierra Azul. It's also available north along the Ridge Trail in Castle Rock State Park as well as Sanborn-Skyline County Park. It is easy to envision a long backpacking or bikepacking camping trip with stops at these campgrounds as well as in Nisene Marks. Bicycle trailers and/or panniers facilitate long-distance bicycle camping tours along narrow trails as well as dirt roads, especially for people with back problems that prohibit carrying a loaded pack. We approve of your interpretation that cycling is an activity related to camping and is thus not prohibited by the deed restrictions.

We also encourage you to think about regional connections for equestrians and dog walkers, who are both permitted to use the trails within Soquel Forest, but are not permitted on Aptos Creek Fireroad or Buzzard Lagoon Fireroad. We understand there are no deed restrictions on the land surrounding the Buzzard Lagoon Fireroad and request that you consider opportunities for a potential regional trail between Soquel Forest and Aptos/Freedom/Watsonville that would permit equestrians. This is very important to a number of equestrians who live in the Summit area and use the trails in Soquel Forest because their access to the coast is blocked by deed restrictions in Nisene Marks. We also would encourage you to consider permitting leashed dogs on the short section of the Buzzard Lagoon and Aptos Creek Fireroads between the northeastern corner of Nisene Marks and the entrance to the Soquel Forest. It would be appropriate to designate the portion of Aptos Creek Fireroad between Mt. Rosalia and Buzzard Lagoon Fireroad, and the whole length of Buzzard Lagoon Fireroad as a "More Intensive Recreation" management zone corridor; this would permit equestrian use of Buzzard Lagoon Fireroad and leashed dogs up to Mt. Rosalia entrance to Soquel Forest.

We note that Cussacks Meadows Trail is a heavily used trail that in our estimation may see at least as many visitors as the West Ridge Trail. This should be noted on page 67. We recognize that this trail is not officially open to bicycles, however so far as we know this restriction has never been enforced. We know of no citations issued for bicyclists using this trail, and there are no signs prohibiting their use on the trail -- in fact bicyclists are the major users of it. Cussacks Meadows Trail should be included in the list of existing Class 2 trails on page 71. It can be easily reached in 20 to 30 minutes by bicycle from the staging area for Soquel Forest and thus is not remote. Due to its heavy use and location as part of a major route to access Soquel Forest it is not appropriate to categorize Cussacks Meadows as a Class 3 Trail (i.e., it is neither remote nor used infrequently).

We view the numbers provided for use patterns by the volunteer survey (page 67-68) with skepticism. It appears that this survey did not monitor Mt. Rosalia and is thus probably significantly flawed. As we have stated above, the majority of visitors to Soquel Forest are mountain bicyclists who access the trails in Soquel Forest via the Buzzard Lagoon and Aptos Creek Fireroads in upper Nisene Marks. It is very likely that several hundred mountain bikers may pass through the Mt. Rosalia area on a busy summer weekend day. This seems to contradict the idea that very few people venture to the upper reaches of Nisene Marks and that intense use only originates at the bottom of the park. Even though only 2% of visitors were recorded at Sand Point, we can assure you with complete confidence that many more visitors are found at Mt. Rosalia, having accessed the summit from the north without ever having passed by Sand Point.

### **General Plan**

We support the proposal to designate all of Nisene Marks as a State Park, rather than Natural Preserve or other unit classification. We believe overlaying this classification with Land Management Zones is appropriate and will achieve the goals of balancing resource protection with public access and recreation. The Natural and Cultural Resources section of the plan are

broadly written and should provide good guidance for management of the park and protection of its resources. In the Visitor Use and Development section, the development of a future Unit Trails Plan is described. We support this approach and hope that it will be the very next planning action upon adoption of the General Plan.

### **Use Intensity Zones**

We note that on page 110 it is indicated that biking (bicycling is a better term that is not confused with motorbike riding) could be permitted in the Low Intensity Recreation Zone. Because this zone will lie adjacent to nearly all of Soquel Forest's southern boundary, we feel this is appropriate. The Ridge Trail in Soquel Forest runs immediately adjacent to the boundary with Nisene Marks. The Stewards of Soquel Forest work closely with the California Department of Forestry to conduct all of the trail maintenance in the forest through a volunteer program. In the last three years we have contributed approximately 2000 hours of volunteer labor towards this effort.

Like the overall distribution of our trail users, mountain bikers contribute overwhelmingly to this program and are motivated, hard workers. Our trailwork days always include an educational component; we explain what we are doing and why it is important for natural resource protection. We believe it is in the best interest of Nisene Marks' natural resources to permit bicycling use, because it makes it possible to encourage bicyclists to work towards protecting areas where they recreate. We feel our management of this adjoining multi-use trail system meets all of the stated goals and guidelines for this zone, including *"Managing the area for a low tolerance for resource degradation through visitor use"*, and *"Locate and design trails to provide access in areas where they would have the least impact on wildlife habitat and ecological systems"*. We believe that we are providing an excellent example for Nisene Marks of trails that demonstrate careful trail design and maintenance, and trail user education that results in an environmentally friendly and sustainable multi-use trail network.

We also note that recreational use is limited to trails and is intended to be primarily for interpretive purposes. We support this guideline and encourage the provision of interpretive trails suitable for mountain biking as well as hiking. We are currently developing an interpretive trail network within Soquel Forest with the specific aim of providing educational information for long-distance ventures by mountain bicyclists and equestrians as well as hikers. We believe that interpretive trails should not be limited to short lengths only appropriate for walkers (such as a mile or two) but should also be adapted to fully serve farther-ranging trail users. We believe that small, low profile placards would be suitable for trailside use in this management zone to accomplish the interpretive goals.

### **Remote Staging / Parking Areas**

On page 109 it states additional parking on Highland Way would be possible if there is a willing seller. This is true, however we believe that it would be possible to develop additional parking off of Buzzard Lagoon Fireroad inside the northern boundary of Nisene Marks without needing to acquire additional land in this area (although we also strongly support such potential acquisitions). The presence of a developed staging area in this region should help curb some of the destructive illegal activities that are ongoing there, and should not be delayed in the event that new lands cannot be acquired in the short term. It would also be reasonable to provide for the equivalent of an on-site "camp host" to help monitor access to this area.

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We also support development of additional parking on Olive Springs, but would encourage you to consider other means of accomplishing this in addition to purchasing land from a willing seller, such as leasing the land or acquiring an easement for public use.

#### **Land Acquisition**

On page 114, the plan indicates a number of locations where additional land could be purchased for addition to Nisene Marks. We would support acquisition of land both adjacent and near to Nisene Marks, especially to the north. We believe if the parcels are large enough they need not be immediately adjacent to the park to be worthy additional units. This could not only accomplish the goals of providing additional parking or staging areas or regional connections to other public lands, but could simply to enlarge the park, and thereby protecting more of this beautiful area and providing public access and the protections of parkland.

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#### **Issue Resolution**

We support the analysis given that some issues brought to light during the development of the General Plan are worthy of further study. In particular, we hope that work on a Trails Plan will commence as soon as possible.

#### **Draft EIR / Environmental Analysis**

The Environmental Analysis appears to be adequate and to account for potential specific or cumulative impacts to the environment from adoption of this program-level General Plan. We understand that any future project would require appropriate detailed and site-specific environmental analysis to ensure no negative impacts on the environment.

We believe that appropriate avoidance or mitigation measures should be adopted at the time any project is planned to account for aesthetic, biological, cultural, watershed or geologic impacts through increased public use. Furthermore, although it is not required by CEQA, we expect that social impacts will also be evaluated to ensure that all park visitors are able to experience a high-quality environment when they visit the Forest of Nisene Marks State Park.

Sincerely,

Patty Ciesla  
President, Stewards of Soquel Forest

cc:  
District Superintendent Dave Vincent, California State Parks  
Project Manager Ralph Fairfield, California State Parks  
Forest Manager Thom Sutfin, California Department of Forestry  
The Advocates of Nisene Marks State Park

Jonathan Wittwer  
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Shandra Dobrovolsky

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PARALEGAL  
Jana Rinaldi

May 12, 2003

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MAY 14 2003

NORTHERN SERVICE  
CENTER

California State Parks  
Northern Service Center  
P.O. Box 942896  
Sacramento, CA 94296-0001  
ATTN: Ellen Wagner

Re: Forest of Nisene Marks General Plan/Draft EIR

Dear Ms. Wagner :

This office represents Citizens for the Preservation of the Forest of Nisene Marks State Park. My client's primary concern is that the environmental integrity of Nisene Marks State Park be preserved and enhanced and that the obvious signs of erosion and resource damage caused by the Parks' current pattern of use, and poor trail maintenance or illegal cutting of new trails, be addressed by State Parks. We submit the following comments on the Draft Environmental Impact Report ("EIR") on our client's behalf.

1) The General Plan provides a basis for greatly expanding the current areas that are used by mountain bikes. While the plan obviously envisions increased opening of trails to mountain bikes, the Draft EIR fails to address the impacts of such expansion. Instead, the Draft EIR defers analysis of impacts for specific improvement until the actual facilities are proposed. However, the adoption of the Preliminary General Plan would set the tone for expanded mountain bike use. Accordingly, this impact must be addressed now. This is particularly true since the Draft EIR admits that "Erosion and subsequent sedimentation problems within the park are primarily associated with areas of bare soils, for example trails and roads." Preliminary General Plan, p. 8. Moreover, as the Preliminary General Plan admits, the soils in the park "experience rapid runoff and are highly susceptible to erosion, characteristics that can contribute to slope instability." Preliminary General Plan, p. 12.

2) Nowhere in the Preliminary General Plan or Draft EIR are the exact location of significant old-growth trees identified or their age provided. The only information provided is that there may be as many as 127 old-growth trees in the upper reaches of Hinkley Creek and that trees exceeding 200 years old are located in the Mangels area. Preliminary General Plan, P. 16. However, there are also a few significant trees in Marcel's Forest that must be well over 200 years old. The Preliminary General Plan and the Draft EIR must better identify these resources.

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3) The Preliminary General Plan admits “that the Marks family had nothing against horses per se, but that they were concerned about the damage that horses might do to the hiking trails in the park.” Preliminary General Plan p. 46. As the debate concerning mountain biking in the park continues, is it State Parks’ contention that horses cause more damage to trails than mountain bikes?

4) On page 74 of the Preliminary General Plan, it is stated that with respect to the term “natural preserve” in the deed from the Marks family that “[t]he term natural preserve is meant in a generic sense .... It does not incorporate the definition of ‘natural preserve’ as specified in the Public Resources Code (Section 5019.71), which was not adopted until 1978, some thirteen years after the deeds were recorded.” However, the derivation of Section 5019.71 was Former Section 5001.5, added by Stats.1971, c. 1722, p. 3664. See note at end of Section 5019.71. Accordingly, the statement is not entirely accurate.

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5) At the time of grants in 1963 through 1965, did any State Parks regulation use the term “natural preserve” to designate certain lands or manage resources?

6) At the time of grants in 1963 through 1965, did any State Parks policy or mandate use the term “natural preserve” to designate certain lands or manage resources?

7) Under the current scheme where mountain bikes are permitted only in limited areas, there are numerous violations occurring. Mountain bikers routinely use small trails that are only open to hiking. (Just this weekend I encountered bikers, on two separate occasions, on narrow trails in Marcel’s Forest). My clients, who frequent the park, see these violations on a routine basis. These violations include “bushwhacking” off trail. The Preliminary General Plan and the Draft EIR fail to address the impacts associated with illegal mountain bike activity that will occur with increased trails for mountain bikes and how such illegal activity will be mitigated. Please state how these problems will be mitigated.

114

8) The Preliminary General Plan and the Draft EIR fail to address the increased conflicts that will occur between hikers and bikers that will result by expanding areas open to mountain bikes. Please address the increased conflicts that will occur.

9) On pages 102-103 of the Preliminary General Plan, the plan does not explicitly allow bikes in the Low Allowable Use Intensity areas, a use which is delineated for the Moderate and High Allowable Use Intensity Areas on pages 103-106. However, on page 110 of the Preliminary General Plan, it states that biking will be permitted in the low intensity recreation areas. The Preliminary General Plan is not clear about how much biking will be permitted and it is patently obvious that biking will be allowed in low intensity areas. Accordingly, there is little distinction in the uses between low intensity uses and moderate and high intensity uses.

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10) Throughout the Draft EIR, it is stated that significance of impacts after mitigation are less-than-significant “at the program level”. This statement must be clarified because actual analysis of environmental impacts are deferred until project specifics are proposed. The public will assume that what State Parks means is that it is less-than-significant based on the information

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presented at this time, but that there could be a significant impact later determined once individual projects are proposed. Please clarify.

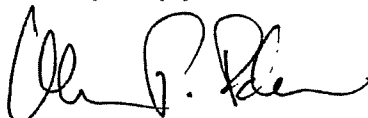
11) Page 123 of the Preliminary General Plan states that the Draft EIR is a program EIR. The document then cites CEQA Guidelines Section 15162 as the standards that will apply if determining whether additional environmental review will be required. However, this is the wrong standard. On page 117 of the Preliminary General, State Parks states that this is a "tiered" EIR. Under tiering, it is anticipated that additional environmental review will be conducted. It is not a "program EIR" that is detailed enough to cover individual projects. Indeed, throughout the impacts analysis and mitigation section in the Draft EIR, State Parks states that because specific facilities and development of project-specific Management Plans is not yet known, these proposals would be reviewed at the time they are proposed. State Parks must view the extremely cursory nature of the Preliminary Plan Draft EIR as merely the first-tier, and future development and planning must be reviewed anew.

12) The DEIR does not identify expanded mountain bike opportunities in the Project Description beginning on page 123. The DEIR must do so.

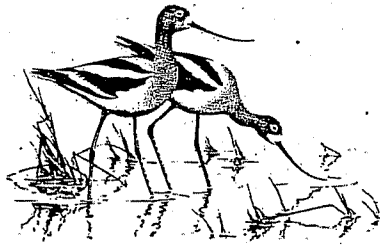
117

Thank you for the opportunity to comment on the proposed General Plan. I look forward to State Park's responses.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. P. Parkin', written in a cursive style.

William P. Parkin



Santa Clara Valley Audubon Society  
Founded 1926

May 12, 2003

California State Parks  
Northern Service Center  
P.O. Box 942896  
Sacramento, CA 94296-0001

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MAY 14 2003

NORTHERN SERVICE  
CENTER

ATTN: Ellen Wagner

Dear Ms. Wagner,

Thank you for the opportunity to comment on the Preliminary General Plan and Draft EIR for the Forest of Nisene Marks State Park. We are interested in this General Plan process because we have members who live in Santa Cruz County, and because significant numbers of Santa Clara County residents use the State Parks in Santa Cruz County.

According to State General Plan directives in the California Public Resource Code Guidelines for State Park General Plans (PRC 5002.2B ):

(b) The resource element of the general plan shall [evaluate the unit as a constituent of an ecological region and as a distinct ecological entity, based upon historical and ecological research of plant-animal and soil-geological relationships] and shall contain a declaration of purpose....

We request that these directives be followed in the preparation of the Nisene Marks General Plan. Specifically, we ask that you do a comprehensive biological resource inventory of the park and integrate those results into the General Plan as required by the Public Resources Code, including any plans for trails, since trails can impact sensitive ecosystems. Please use this inventory to decide which areas of the Park are sensitive or important habitats that should be protected. Sensitive and important habitats at Nisene Marks should be preserved and some areas should be set aside for low impact recreation such as hiking, walking, birdwatching, nature photography, and other types of nature contemplation.

In my experience, bird watchers and others trying to enjoy nature are bothered by having to watch out for, and step aside for bicycles and horses. These different types of recreation do not mix well and so we feel that the best alternative is to limit high impact recreation to certain trails, restricting horses and bikes from other trails in order to allow people to experience nature in peace. It makes sense that the areas that are set aside for low impact recreation also be the more sensitive and important habitats. A trail plan

should be part of the General Plan. Important habitats should have low trail density as well as being limited to low-impact recreation.

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I believe that the level of analysis in the DEIR is insufficient to evaluate potential impacts of the Preliminary General Plan. Without a biological inventory and a trail plan there is no way to tell what the future biological impacts of the various parts of the plan will be.

Another important issue that seems to be a problem in parks all over the state is feeding of "Corvids", that is, birds from the jay, crow and raven family. Corvids will raid garbage cans and garbage dumps that are not covered, and they will also successfully beg food off of visitors in picnic and camping areas. Provision of such opportunities to corvids amounts to subsidization of them at the expense of other bird populations. Corvids are well known nest raiders and will eat the eggs and chicks of other bird species, and with their high level of intelligence they quickly learn how to locate such food opportunities. Subsidizing them through providing feeding opportunities will cause their numbers to continue increasing.

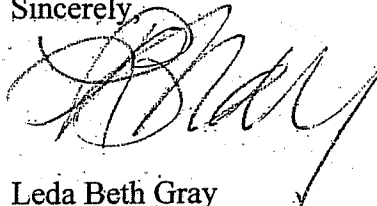
Common Ravens have been a particular problem for the endangered Marbled Murrelet, California Condor, and Snowy Plover. Surprisingly, Common Ravens did not occur regularly in Santa Cruz County only a decade ago—they have been expanding their range due to various types of subsidization by humans, and have now become well established here. They have the ability to commute fairly long distances, so that birds feeding in Nisene Marks could have an impact on other bird species over a fairly wide area, including into habitats that they normally may not occupy.

Therefore we ask that you make certain that all trash containers and receptacles have solid lids that prevent corvids from getting food from them. Further, we ask that educational signs be posted in picnic areas, or other areas where humans are likely to be eating, that tell people not to feed these birds and explain why.

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With increasing population in California, State Park use is going to keep increasing. It will be extremely important for State Parks to have general plans in all of its parks that are based on sound scientific methods and that balance recreational opportunities with preservation of important native habitats.

Sincerely



Leda Beth Gray  
Board Member and Conservation Chair  
Santa Clara Valley Audubon Society